



Housing, Communities and Local Government Committee

Oral evidence: Building Safety Update, HC 894

Monday 22 November 2021

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Members present: Mr Clive Betts (Chair); Bob Blackman; Ian Byrne; Florence Eshalomi; Ben Everitt; Rachel Hopkins; Andrew Lewer; Mary Robinson; Mohammad Yasin.

Questions 1 - 69

Witnesses

I: Dame Judith Hackitt, Chair, Independent Review of Building Regulations and Fire Safety; Sir Ken Knight, Chair, Building Safety Independent Expert Advisory Panel.

Examination of witnesses

Witnesses: Dame Judith Hackitt and Sir Ken Knight.

Chair: Welcome to this afternoon's session of the Housing, Communities and Local Government Committee. The next time we are here for a meeting, it might be that the Committee will have a different name, but we will leave that for the time being. Thanks, everyone, for coming this afternoon. We are having a one-off session on a building safety update. This is to review where progress has got to in terms of improving the safety of our high buildings and most at-risk buildings post Grenfell.

Before I come to our two witnesses today, I will just get Committee members to put on record any particular interests they might have that may be relevant to this inquiry. I am a vice-president of the Local Government Association.

Mohammad Yasin: I am a member of Bedford Town Deal Board.

Rachel Hopkins: I am a vice-president of the Local Government Association, and I employ a councillor in my office.

Ian Byrne: I am still a sitting councillor in Liverpool, and I employ a councillor in my office.



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Bob Blackman: I am a vice-president of the LGA, I employ a councillor in my office and I am vice-chairman of the all-party parliamentary group on fire safety at the moment.

Q1 **Chair:** We will move over to our two expert witnesses. I am tempted to say they are our most frequent witnesses; they have been with us on many occasions. Thank you both very much for giving your time again this afternoon to help the Committee to understand what are clearly still challenging and complicated issues, but very important issues in terms of people's safety in their homes. Can I ask you each to introduce yourselves and say the role that you have at present? That would be helpful.

Sir Ken Knight: Thank you, Chair, and members of the Committee. I am Ken Knight. My DNA is fire, because I spent 40 years in the fire and rescue service, and I was chief of three fire brigades, as the Chair knows—Dorset, West Midlands and London Fire Commissioner—before being the Government's chief adviser. Subsequently, I have been doing other work, not least around local government. Since Grenfell, I have been chairing the independent expert panel at the Department now called DLUHC.

Dame Judith Hackitt: I am Judith Hackitt, chair of the Independent Review of Building Safety and Fire Regulations post Grenfell. Since completion of that final report, I now chair the Industry Safety Steering Group, which has reported for its third time into Government; I understand that that will be made public soon. I also chair the transition board that is overseeing the setting up of the new Building Safety Regulator.

Q2 **Chair:** Thank you, both, for coming this afternoon. We can see you both have really important roles in the whole issue of fire safety and where we go to post Grenfell.

Dame Judith, can I come to you first? You said to us, when we were looking at the Building Safety Bill in draft form, that that Bill would do part of the job, but that there were lots of other things that needed to be done as well—a package of measures. Do you think the Government have it all sorted now and that the package of measures is either in place or has clearly been identified?

Dame Judith Hackitt: We are getting there. It is probably since I was last here that we have decided upon the new products regulator as well, which is another important step in the right direction. However, we all know that we still have to resolve the "who pays" issue, which I am sure we are going to come on to. The biggest single challenge in all this which, again, I am sure we are going to talk about, is getting the whole of industry to take this seriously. There are an awful lot who already are, but not enough.

Q3 **Chair:** You said last time that the pace of change had improved. Is that still the case? Has it improved further?



Dame Judith Hackitt: As always, until such time as regulation mandates some of the changes, there will be some who will, for whatever reason—genuine or otherwise—come up with reasons for why they are not doing it yet. We have seen a greater differentiation between those who recognise what is coming and are moving on, and those who continue to wait. Those who are early adopters and those who have followed the new, revised and much improved Building a Safer Future Charter process are to be applauded for what they are doing. It is also very pleasing to see that they are demonstrating to others that this is indeed doable, which undermines some of those who would otherwise choose to hang back.

Q4 **Chair:** Is there anything we can do about those who are hanging back? Is there any more push we can give them? Are there any inducements? Is there any more in terms of simply explaining to people who would not necessarily be aware of these details that a developer is not doing as well as others in this regard?

Dame Judith Hackitt: We are already doing some things. Certainly, there are plenty of fora at which those who are adopting these processes on a voluntary basis are willing to tell their story and the benefits. They have not just reported to the ISSG, but they also talk publicly on platforms arranged by other people. We are already seeing the regulator, in shadow form, encouraging them and making it clear that this is what is expected of them.

The final piece in this is that there is more that Government can do to highlight those who are doing things well, and who therefore should be identified and praised for what they are doing. There is also a need to set clear expectations that that is what is expected of anyone who works on public contracts. That is one of the most powerful things that we could do in this process: to make it clear that it is a requirement of public procurement.

Q5 **Chair:** Right, and make it clear that that is what is happening and that certain contractors will not be invited to tender.

Dame Judith Hackitt: Yes, indeed. That will not only incentivise those who are doing the right thing, but also send a wake-up call to those who are hanging back.

Q6 **Chair:** Sir Ken, what is your take on the pace of change so far?

Sir Ken Knight: In the light of your first question, it is important to recognise that this is not done yet. It may be foolhardy to pretend that it is because it is a long process. We have a very clear roadmap, not least due to Dame Judith's excellent report, but there is still a lot to do, including the legislation in place and the role of the new Building Safety Regulator. Anyone in the whole of that chain of the construction or fire safety industry that takes their foot off the gas now would be foolish to do so because there is still a great deal to do before we can be assured that what we saw on that terrible night at Grenfell will not happen again. It is



important to maintain the pressure—I welcome the Select Committee’s continuing scrutiny of it—in order that we see this whole thing through to the end.

Q7 **Chair:** What about the issue of public sector contracts?

Sir Ken Knight: Procurement is very key. I have, for some time, been concerned that, particularly in local government contracts, safety contracts are seen alongside some of the more mundane paper-and-paperclips contracts in procurement. Safety contracts need a special attention when simply applying procurement rules as the least expensive and best value terms. There is a great deal to put into those procurement contracts about competency and clarity of those that are taking up the contracts of those key jobs.

Q8 **Chair:** Dame Judith, you were right; we are coming on fairly quickly to who pays. The Secretary of State said, when he came to see us recently, that leaseholders are being landed with charges in many cases that are completely unfair, out of the question and disproportionate—he used all the right words—and that there are other players in the system who should be made to pay. Do you have any guidance or a set of principles that the Government should now be following about who should actually pay for the substantial amount of work that will have to be done?

Dame Judith Hackitt: My position has not changed on this. I have said many times that it is completely unfair for those who have bought in good faith as leaseholders to now be saddled with bills for things that are not their fault. I equally believe it is not the role of the taxpayer to pay that money either. There are those who have failed in their duties, and they should be held to account.

Q9 **Chair:** In terms of the failure, you could feel the support in the Committee when the Secretary of State said last time that it was not just the developers themselves but that product suppliers ought to be incorporated into those to blame for what had happened.

Dame Judith Hackitt: Yes, indeed.

Sir Ken Knight: I do not differ at all from Dame Judith’s view on this, except for one nuance: there are matters in all the buildings that have subsequently been discovered to require remediation due to lack of maintenance, rather than being wrong in the first place, and certainly not the fault of the leaseholders and the occupiers. It is the duty on those and the responsibility of the building. Indeed, in conveyancing terms, I would expect my conveyancing solicitor to assure me that there was a fire risk assessment in place, and the outstanding issues, including the maintenance of fire doors, lifts and smoke alarms, were just part of the knowledge of the leaseholder when buying and maintaining that flat. I would separate the ongoing works that are needed in maintenance from, clearly, the areas of work that Dame Judith refers to around matters about the building that are totally beyond the control of the leaseholder.



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Q10 **Chair:** Is it not the likelihood that they will be incorporated into the building safety charge, and that is what people are worried about?

Sir Ken Knight: I am not sure of that. It is not an area that I have dealt with in detail. When we see some of those maintenance issues that have been lax in terms of putting that sort of equipment in, it needs regular maintenance and regular inspection. Each duty-holder, as a responsible person—and indeed the management of the building—needs to recognise that that is a cost and is an ongoing maintenance, and not one that can fall to Government and the taxpayer, and, frankly, cannot be held to the original person who put it in if they put it in competently and properly. It does need maintaining, and it is important that all that equipment is maintained so that it works on the day.

Q11 **Bob Blackman:** Four-plus years on from Grenfell, we have sadly seen some further catastrophes around the world, as well as in the UK, in terms of fires. One of the concerns is the confidence that you have that the regulatory regime that is being proposed by the Government is going to be sufficient to prevent fires such as that seen in June of this year in the Surfside condominium in Miami. We understand that there are different rules and regulations but, nevertheless, I am sure we would want to see the most stringent rules and regulations to try to prevent these sorts of fires. How confident are you that the regulatory regime that the Government are introducing is going to be sufficient?

Dame Judith Hackitt: I am confident. The thing that I would add to having good rules and regulations is the need to have clarity of responsibility. That has been the part that has been missing for a very long time. I have said many times in fora such as this that that diffusion and lack of responsibility, and the ability of everyone to point to everybody else and say, "It is their problem, not mine", is at the heart of why our system failed. The very fact that this new regulatory system lays down very clearly who is responsible at any given point in time for the lifecycle of a building is one of the fundamental principles that will make a difference.

Sir Ken Knight: The gateways that are proposed—indeed, gateway one is already in place at the planning stage from the Town and Country Planning Act changes earlier this year—are hard stop, as Judith outlined in her report. That is an important change: you cannot skip a gateway and go on to the next stage. You have to satisfy the Building Safety Regulator at each stage that you are meeting that stage before you can pass to the next stage.

The other aspect is that it relies not just on that final check of the regulator but on everyone to do the right thing. That is clearly what was outlined in Dame Judith's report when she talked about competence and culture in the whole of the industry. We shamefully saw and have heard of instances where some of those in the industry risked taking it to that final stage in the hope that the regulator would not spot it, presumably, or check it. It requires everyone to play their part, from design right



through to completion and occupation. As Dame Judith said, it is throughout the life of the building. That is the difference as well. This seamlessly runs from the Building Safety Bill into the Fire Safety Act requirements.

Q12 Bob Blackman: As you mentioned, the Government have put secondary legislation in for gateway one. Do you have any knowledge of when the further gateways are going to be legislated?

Sir Ken Knight: The subsequent gateways are part of the Building Safety Bill, not the Town and Country Planning Act, which the secondary legislation was part of. As far as I understand, they will be enacted as part of the Building Safety Act by the Building Safety Regulator.

Q13 Bob Blackman: During the evidence that you both gave to us on the pre-legislative scrutiny, you both stated that work would begin quite soon—we are used to Ministers saying “soon”, which does not necessarily mean what we think “soon” should mean—to establish the criteria for expanding the scope of the Building Safety Bill. What work has been undertaken so far? Can you give us any other indication of other risk factors beyond the height of the buildings? One of the concerns is that we have seen evidence about how fires spread in lower buildings compared to higher buildings. Yes, they are serious in higher buildings but they are contained. I just wonder if you have seen any further scope for what may be proposed.

Sir Ken Knight: There are other buildings that can be brought into scope in the longer term. I think that assumption is right. It is not necessarily about height. Height does not necessarily equal risk. Often, different occupancies, such as nursing homes and care homes, may well be considered of higher risk; it is not just about height.

I have to say that I support the approach of the first buildings proposed to be in scope, because there is still a huge amount of work being placed on the Building Safety Regulator on day one in some 12,000 to 12,500 buildings. They are hardly baby steps, but baby steps they may be. It means that we can ground the new regulations on the basis of that 12,000, where it would take some time to achieve the safety cases, and then have a look at the Building Safety Regulator’s role, to look at what others need to be brought into the new regime and in scope. There are many views on what is in scope but it is not just about height.

Dame Judith Hackitt: I agree in principle with Ken. There are other factors. As I have always said, this has to be a risk-based approach, it cannot be simplistic, but we have to start somewhere, and height is very clearly the place to start. It is not simply about the rate at which fire spreads; it is also about the ability of people to get out of the building in the event that they need to do that. Quite clearly, the higher the building, the more difficult that is, in general. That makes absolute sense.



Are we making progress in terms of understanding what those other factors are? Yes, we are. I am currently involved in some really interesting work that is being done in the 11-to-18-metre bracket, which is being sponsored by DLUHC. It is all about looking at what the different factors are. That is linked not just to what those criteria might be but also to what the means are of making those buildings safer, so that it is not just about taking cladding off or whatever it is but about what the proportionate means are of mitigating risk and making those buildings safer. That is what this is all going to come down to; it is all about proportionate, common-sense, cost-effective proposals.

Q14 Rachel Hopkins: Dame Judith, your Independent Review of Building Regulations and Fire Safety raised concerns about the ability of those undertaking building work to choose their own building control body, as this would create incentives for building control competitors to attract business by offering minimal interventions. The Building Safety Bill only removes the duty-holder choice in respect of the higher-risk buildings. Would you have preferred to have seen it removed completely, as this Committee recommended in its pre-legislative scrutiny report?

Dame Judith Hackitt: I do not have a strong view on that. It matters most in the highest-risk buildings. I am keen that that choice is removed in the case of those buildings that will be under the safety case regime. To be absolutely fair to those involved here, who are both building surveyors in the private sector and in the public sector, what I have been really encouraged by is to see the way that they have now come together and are now working very closely together, which is really welcome, on adopting the right approach to buildings, which will be quite different under this new regime and will be much more about holding people to account.

Q15 Rachel Hopkins: The definition of high-risk buildings, as set out in the Bill and supplemented in draft secondary legislation, explicitly includes care homes and hospitals, but only those over 18 metres or seven storeys, and only for the construction phase of the regime. Should they not also be within the scope of the regime in occupation given the added risk to vulnerable people who cannot evacuate themselves? Should hospitals and care homes below 18 metres also be included?

Dame Judith Hackitt: Ken has already spoken about the fact that there is scope to expand the Bill and its scope in due course. We are always managing this issue of what a manageable task is for the Building Safety Regulator to take on in the first instance. It is really important that we recognise that that may well come in the not too distant future as an extension of scope, but we have to have a manageable scope to start with for the regulator, given that we are already talking about more than 10,000 buildings that they have to work their way through that are already in existence and occupied.

Sir Ken Knight: Coming back to your first question, and in addition to Judith's point, we have also seen a great deal of closer working between



the private sector surveyors and the local authority surveyors, ensuring there is a common basis of competence and a common basis for assuring about that competence. Frankly, we need the mixed economy, despite the view of this Committee, because it is capacity—the capacity to otherwise meet and not have very long lead times. People waiting for building control assurance will be unacceptable.

Q16 Rachel Hopkins: The competency framework for the building safety manager role is not due to be finalised until next year, although it has recently been put out to public consultation. The Government have said they do not plan to mandate a system of third-party accreditation for building safety managers and that it is for the industry to lead on. Will this present a problem?

Dame Judith Hackitt: In the first instance, it is the right approach. Trust that sector of the industry to do the right thing; if they do not, it may need to be mandated, but it is absolutely right to monitor that very closely and ensure that what is done is what is required.

Sir Ken Knight: I agree with that. I do not see at the moment the industry setting out to avoid their key people being competent, now that, being developed as a result of this process, there are a number of competencies being laid for those roles. Those responsible employers and responsible building owners will want to ensure they have competent people doing those jobs. I do not see or hear them trying to avoid that at the moment, and I entirely agree with that approach. Let us see. The jury is out if we find that they are not competent or that people are avoiding the competency, but I do not see that at the moment.

Q17 Rachel Hopkins: Can I push on the first thing you said when you came in to talk us, about the majority or many are doing the right thing but there will be some who do not? Is that not a risk that we are leaving there if these competencies are not mandatory?

Sir Ken Knight: I have not seen the sign of either but those that are slow learners in the process of realising that they need the competency will of course be pretty evident throughout the process, including through the subsequent enforcement. The approach is right not to make it mandatory in the first instance. It is very early days because, as you rightly say, the competency itself is not in place, and we need that to bed down and to get the capacity of those people that are competent even on day one.

Q18 Chair: Will there be an industry standard that is supposed to be met by someone who is a building safety manager?

Dame Judith Hackitt: We should publicly record our thanks to BSI and others for the work that they have done in conjunction with the competency groups to identify what those standards look like in all of the key roles, because it is a really important piece of work. That is now being reinforced by the new regulator. Let us not lose sight of the fact that, while we are waiting for the Bill to formally put the Building Safety



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Regulator in place, they are already operating in shadow mode and already engaging with all of the different stakeholders in industry. Believe me, they are setting very clear expectations of what they will require of people. That is coming both in terms of what the regulator will expect but also in terms of helpful guidance in things like the safety case principles that they have now published, which make it clear to people what they will have to prepare, whether it is for a new building or an existing building.

- Q19 **Chair:** Perhaps I am not being very quick with the uptake on this. Will residents in a block of flats that falls within the remit of needing to have a building safety manager be assured that the person that they get to do that job is competent and meets certain standards? When the residents get a building safety manager, can they be assured that that person will have the necessary competence and the appropriate training and that they will meet appropriate standards? If it is not mandatory, how can they be assured of that?

Dame Judith Hackitt: When the scheme is operating in full, one of the ways that that assurance will come is that that building safety manager will have to have prepared and presented the safety case to the Building Safety Regulator. There will be regulatory oversight and the need to satisfy the regulator that the person who is doing that job knows what they are talking about.

Chair: That is a helpful explanation.

- Q20 **Ian Byrne:** Dame Judith, as chair of the transition board, are you confident that the Health and Safety Executive and the Department have made sufficient progress so that the Building Safety Regulator is ready to hit the ground running once the Bill has passed? Also, are you confident that the funding and resource will be in place? We know that, since 2010, the HSE has lost over a third of its inspectors. Are you confident on both questions?

Dame Judith Hackitt: On the progress question, yes, I am. We review that every time we meet as a transition board and we are not the only means of oversight of that process. Progress is going according to the plan that has been laid out. Let us not lose sight of the fact that this is a complex transition and a handover of responsibilities from the Department to that independent regulator. It is a complex plan and it will take some time but, yes, we are making good progress and I am satisfied with the progress that we are making.

The second part of your question was about resource. We can be assured that that will be handled appropriately in relation to the Building Safety Regulator because it is a separate funding stream. It will not need to be cross-subsidised by funding for HSE for its workplace safety work. I hasten to add that it should not be. The two things are separate. The reason we are bringing them together is because the resource and expertise that lie at the heart of all of that are complementary; it is not



because we are trying to cross-subsidise one with the other. They will continue to be operated in that way, funded separately. That is really important.

We must also recognise that, as Ken has already referred to in relation to building surveyors, there is also an increased requirement on people at local authority level and on fire and rescue services. It is that whole piece that we need to ensure is properly resourced.

Sir Ken Knight: I was also going to make that last point. We have seen some good early engagement because the Building Safety Regulator will be what it says—the regulator—but the two principal enforcing authorities will be local authorities, both in the Housing Act and in building control, and fire authorities for the Fire Safety Act. It is about using those resources in order to discharge the responsibilities of all three. All three need to work carefully together, and are.

We have also seen the Building Safety Regulator, in shadow form, already produce some published guidance, for example on the building safety case. It was always going to be a slower start from zero to where it is going to be in post-Bill times but that is now going to rapidly increase. There have also been, as I understand it, some very good conversations between those enforcing authorities and the Building Safety Regulator, so they recognise each other's strengths as well as the limited amount of resources they need to share and not to replicate those resources unnecessarily.

Q21 **Ian Byrne:** That is a good answer but it will fall down if the fire authorities and local authorities are not correctly resourced. As Dame Judith said, the three of them need to be working collaboratively together and be resourced properly.

Dame Judith Hackitt: They both need to be properly resourced, but it is also important that the work of the Joint Regulators Group is not just about how they will work in the future but about how they work collaboratively together now to share information and intelligence. That is an efficient way of working, and we are seeing a lot of promising progress in that respect.

Sir Ken Knight: A good example of that is the Building Risk Review, which is a Home Office-led review undertaken by the National Fire Chiefs Council, who would speak on it far more ably than I can. The result of that review will have involved fire and rescue services inspecting every high-rise in the country to log the data on that and pass that data. It is on target by the end of this year—by the end of next month—to pass that data over to the shadow regulator and equally enhance the information in fire and rescue services. The NFCC has led that approach under the Home Office and will have achieved a huge piece of work. We had no real knowledge of what was high rise and where it was. They will have reviewed every high-rise building in that way.



Q22 **Ian Byrne:** A significant amount of the detail of the new building safety regime has been left to secondary legislation. Rachel and I sat in the Committee and there was lots of concern about that with the industry regarding the secondary legislation. Do the Building Safety Regulator and those involved in the sector have a clear enough vision of how the new regulatory regime will operate?

Sir Ken Knight: They do. There was a great deal of joined-up thinking and working to get to this position, including who does what and ensuring that there is not an unnecessary overlap but a clear understanding of who is responsible. The regulator for the Fire Safety Act is of course the Home Office, and the regulator for the Building Safety Act will be the Building Safety Regulator. All the key players that are responsible understand those roles and are well-informed and are carefully watching the enactment of the new Building Safety Bill.

Dame Judith Hackitt: I agree. At the level of the vision on how this is supposed to work and will work, we have a very clear picture. It is a shared view. Yes, there is a lot of detail to resolve through secondary legislation but it is at the level of detail. There is no disagreement or lack of clarity around how the overall system is expected to work and the way we all want it to work.

Q23 **Ian Byrne:** Clive touched on the residents before. Do we need some clear guidance from construction to residents as well, so that we have that golden thread to restore confidence in the industry? Is that something that we could look at as well?

Dame Judith Hackitt: We have to move to this whole-lifecycle, seamless approach. We should not overly focus on construction. However, the most important thing is to get it built right in the first place going forward because, once you have a building that is fit for purpose, the challenge of then keeping it that way, going back to Ken's comments about maintenance during occupation, are much easier once you start with a building that is fit for purpose. Having said that, we are shifting to a whole-lifecycle approach here, and one that will assign responsibilities at each of those stages. Yes, we must be clear that that goes through the whole process.

Q24 **Ian Byrne:** With 13,000 buildings estimated to be within scope of the new regulatory regime, has a clear methodology been developed to understand how the regulator is going to prioritise its work on those buildings?

Dame Judith Hackitt: Yes, because they start with buildings in scope but, as we have already described, the intelligence that has already been picked up by others, such as the fire and rescue service, is being fed into that process of prioritisation. We are not starting from a simple clean sheet of paper or from no knowledge. There is a bank of knowledge that has already been built during the course of the last four years that is being used as a starting point from which to prioritise.



Sir Ken Knight: Although Judith used the words “golden thread” in her report, it probably was not as widely understood then as it is now, in terms of how important it is. It really is at the heart and the very hub of the information flow, right from that first planning gateway one through to the occupation and the life of the building. Not only is there a British standard in the making over that work, but many more people are also seeing all of that information being vital to various parts during the life of the building.

It is not all of the golden thread and not all of the technical detail, but that is going to be important to what it was made of and how it was made. It is about passing what I call threads of the golden thread along to the residents and the occupants who need to have information about their building. Some of those threads will come out to the fire and rescue service, which they will need in order to plan and indeed to ensure that people are safe in their building when they inspect or fight fires.

That, running through the whole of the life of the building and all of the amendments and changes made to it, is right at the heart of the proposals here, which we have not had before. It stopped after the building being built and was either passed across to the new owner or not, and then left, as we found, having to find where these buildings are and what they were. In the future, we will have a much better record and track of what is in buildings, where they were and, more importantly, those that subsequently use the building, particularly the occupants, can have a real view about the safety of their building, with evidence.

Q25 **Ian Byrne:** Just on the methodology and the 13,000 buildings estimated to be within scope, what is the methodology? What is going to be used in terms of the prioritisation of those buildings?

Sir Ken Knight: The 18,000 is on the higher side of the figures that I have seen estimated, but I would not pick over those numbers, because some of those numbers of buildings in scope will also be the new buildings estimated to be built, not just existing buildings. It is important to recognise they are at a different stage in coming through. All of them will be required by the Building Safety Regulator to have quite a stringent process for the building safety case, in order that they go through that first stage with the Building Safety Regulator to give them the approval that the building safety case is appropriate for the building. There is all of that work to be done by the Building Safety Regulator, and that is set out in the Bill for those buildings in scope.

I reiterate that, on a risk-based approach, there may be other risks that the Building Safety Regulator chooses in the future, and should choose in the future, to look at, but this is a huge first tranche to consider.

Chair: We are moving on now to the issue that was raised by the then Secretary of State on Second Reading about revised advice that had been given about how to differentiate which buildings are at risk and how they should be treated.



Q26 Ben Everitt: Bear with me; I am going to read some segments from the various bits of advice. The previous expert advisory panel guidance set out in its consolidated advice note from January last year that certain types of cladding present a “significant fire hazard on residential buildings at any height” and required remediation “as soon as possible”. We have the new expert statement, issued this July, which says that “a significant number of buildings that will require further investigation will not require costly remediation to remove unsafe cladding”. Has there been a change of approach here? If so, why?

Dame Judith Hackitt: No, there has not been a change of approach. In the intervening time, we have seen the way that people have reacted to that initial guidance. If I may say so, I think that there was an overreaction. We have seen a level of risk aversion; let us remember that there is a difference between risk and hazard. There has been a significant degree of risk aversion that was not anticipated when that first advice note was put out, and so the work that both Ken and I were involved in in July was about trying to reset that balance around a proportionate approach to risk.

Q27 Ben Everitt: Do you think this will filter through to the leaseholders that are at the end of the chain without that certainty? Is it likely that this new interpretation of risk is going to give them some clarity on what they are on the hook for?

Dame Judith Hackitt: It will take some time. It is a matter of some regret that leaseholders find themselves in the middle of all this. The extent to which they have been emotionally put on a rollercoaster over this is something that we should all regret. It is not just about cost; it is also about, “Is this building safe or not and will someone tell me?” The reality is that there is no absolute guarantee of safety in any building.

What we tried to say and tried to reinforce in that advice that we put to Government in July was, first of all, that the risk of a fire happening is very low, even now and even with all that we know about all of the other buildings. The risk of it happening is low and, therefore, we need to start from that position and then look at how we ensure a level of safety that people can feel reassured in and avoid excessive costs being placed on them, as well as excessive concern about a building that they believe to be less safe than it really is.

Q28 Ben Everitt: Ken, I am going to follow up on that question and then come back to you for any comments on the bundle. This perception of risk and the perception of how safe a building is is fundamental to people’s emotional and mental wellbeing.

Dame Judith Hackitt: Yes.

Q29 Ben Everitt: One of the issues that we have noted, which the expert advisory panel also noted, is the overall downward trend in dwelling fires, particularly in the spread of fire in buildings under 18 metres. However, there was also recently a report from the University of Leeds that



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concluded that these overall trends and averages hide the fact that annual fires actually increased in medium-rise flats between 11 and 18 metres of height. First, do you agree with that assessment? Are there any concerns with the data that we have relied on to come to the opinions that we have in that? What data should we be looking at in order to inform this guidance and the future policy?

Dame Judith Hackitt: A lot of the data that has been used is common, first of all, so it is down to matters of interpretation. The number of fires, first of all, tells us that this continues to be a rare event. The risk of a fire occurring is low. What it also tells us is that in many, many cases—the vast majority of cases—those fires are dealt with before they spread and cause fatality. That is also a cause for reassurance.

Sir Ken Knight: First of all, I chaired, of course, the panel that produced the consolidated advice that you quoted from, and I was part of the panel that sat and talked, under Judith's chairmanship, about proportionality. If I can bridge both of those, you are absolutely right in quoting that consolidated advice but it was never binary advice. It was actually risk-based advice by a competent person. Instead, disappointingly, we saw it being applied in a very binary "risk or no risk" way, which is just not right.

The proportionality was about putting the minds at rest, in particular, of those leaseholders, and indeed many occupiers, who are almost living in fear of where they live, as though they are immediately at risk, and yet fire deaths and fire injuries are down. Last year was the lowest number of fire deaths in the home in 40 years. In fact, last year was quite remarkably a low number of fires in homes since most people were in their homes because of Covid. We were trying to differentiate between the likelihood of fire and the risk of fire and the risk of death in the home compared with the consequences of fire if you live in a building that is otherwise unsafe with more people being at risk.

The report you referred to was an interesting report. Each report is interesting, of course. Many of the issues it raised are not new. It was not new to any fire and rescue service person that deprivation plays a key part in fire and fire deaths, as does age. They make the point that the older you are, the more likely you are to die in a fire. We know that. In fact, most fire deaths are in bungalows. That is nothing to do with the height of the building. It is important that it recognised that.

Equally, the report itself that you referred to was a qualitative assessment and did not have the benefit of a peer review from either the Institution of Fire Engineers or the National Fire Chiefs Council. I am pleased to say that Judith's report on proportionality did, and got the support and recognition. We just need to make sure that people do not overreact. We do not want to underplay the risk of fire but to have people fearful in their homes in the normal way is not appropriate in the scheme of things. We need to move that risk dial back where people are more aware of real risk rather than perceived risk.



Q30 **Ben Everitt:** Dame Judith, in answer to a previous question, you mentioned that evacuation is the best way to escape a fire, of course recognising that the risk is historically quite low. The same report that we are speaking about at the moment talks about where issues are identified, such as combustible cladding, and that adequate levels of safety can be achieved through cost-effective risk mitigations. The report goes on to talk about smoke detectors, fire detectors, adequate means of escape and smoke control systems. If residents are not able to self-evacuate, are these measures going to be good enough to reduce the risk to them to something that is acceptable?

Dame Judith Hackitt: It depends what that level of risk is to start with but, in many cases, yes, they will. I refer back to what I said earlier about the work that I am currently involved in, looking at 11-to-18-metre buildings in particular, where that is exactly what we are looking at in terms of other means of mitigation that can bring the risk level down to a level that we deem to be acceptable without it necessarily involving wholesale removal of cladding. It may be done by other means like, as you say, sprinklers or fire detection systems or whatever.

Sir Ken Knight: I have nothing further to add to that. It was about making an assumption. There was an over-assumption of risk as a result of people misinterpreting the consolidated advice because it does need that risk-based approach by a competent person that I outlined. Judith is right: there will be other compensating features, particularly at that height of building, that are available in technology terms and fire safety terms. I hope we can come through that with that advice and remove some of those people and premises that are blighted by a perception of risk.

Q31 **Ben Everitt:** Do you think residents in these affected buildings will be more comfortable and more confident about life now, knowing how far we have come and how the direction of travel has gone, or are we still identifying more issues? Is there a reason to be optimistic?

Sir Ken Knight: There is reason to be optimistic. Their comfort probably will not come from me; it will come from hearing that the lenders and insurers understand it as well, and moving that risk assessment dial to that reality. I recognise that there are two different assessments going on here. The assessment for both of those bodies is about valuation of property. We are talking here, and in the figures such as the fire deaths and fire injuries, about the risks of injury and death from fire. They are not; they are talking absolutely about an asset valuation.

Q32 **Ben Everitt:** It goes without saying that clarity in terms of the policy landscape and the guidance will be great for insurers and lenders. From that, we can conclude that we are making progress. Do you agree, Dame Judith?



Dame Judith Hackitt: Yes, I do. It will not be instant. There is cause for optimism. As in all cases where trust has been lost or concern has been raised, it is a long journey back, but there is cause for optimism.

Q33 **Chair:** Do you think there is a concern, however, that, having been told since Grenfell that this cladding material is dangerous and must come off and that it is a real risk, if people are suddenly told in some circumstances that they can happily live in a property with this cladding material on, they are going to take a lot of convincing that somehow the change has not been made to save the Treasury money?

Dame Judith Hackitt: We have all heard some of these heart-breaking stories about people who are simply landed with large bills to pay with virtually no explanation as to why. If you look at another part of my report, I said that it is absolutely essential that we engage residents in the process. Clearly, that has continued to be missing in some of the ways that that cost has been heaped on to residents without any explanation at all for why, or explanation as to why that is the right and most cost-effective way of fixing the building rather than just some blind bill.

One of the ways that we have to rebuild that confidence is by ensuring not just that the number changes, because that will raise suspicions about it not having to be paid for at all or that the work does not have to be done at all. It has to be accompanied by an explanation, involving them in understanding why a different decision is now being made and what that means for them personally. We have to treat residents with the respect that they deserve. That has not been happening in some of those buildings where they have simply been landed with bills.

Q34 **Chair:** There is still a concern that some of those responsible for those buildings still will not be able to engage in that conversation because they do not have the knowledge themselves.

Sir Ken Knight: It comes back to my point about it not being a binary solution. There will still be some buildings that will require that cladding to be changed in the location of the cladding, whether it is next to exits or stairways. In others, there is a technical solution. In others, a risk-appropriate approach would say that it is only in certain parts of the building and it is not putting people at risk of not escaping.

It is exactly what it says in the consolidated advice. It is a risk-assessed approach but it has to be by a competent person. This blanket approach that every building below 18 metres is at risk is just not appropriate. To see, in some cases, external wall assessments being physically done on bungalows is ludicrous.

Q35 **Mohammad Yasin:** Dame Judith, in your most recent appearance before this Committee, you told us about issues with the "black and white" approach to building safety issues at that time. Has the July 2021 expert statement helped the Government and the sector to move away from



that approach?

Dame Judith Hackitt: Has it achieved it yet? That was clearly the intention. The reason for producing that statement around proportionality was to sit alongside the PAS that is also going to be published and to ensure that people recognise that need for a proportionate approach. We are ensuring that that is being built into the training that is ongoing for additional people to carry out the work because we have also had a resource issue.

All of this has to come together as a package in terms of providing people with examples of what “good” looks like and what “good enough” looks like and helping people to make those informed judgments. It needs to be all of those things combined that will lead to that. It is not an instant fix but it is a part of driving that proportionate solution.

Sir Ken Knight: The tragedy of Grenfell has, in a way, naturally drawn some of those into this risk aversion. It is going to take a while to get that confidence back, and that is why we need to progress with the measures that are in place and we need to get the competency and culture change that is out there. It will not be instant but we need to get there, otherwise we will have this overreaction not just here but, of course, as the Fire Safety Act rolls out and requires an external wall assessment as part of a fire risk assessment, there will be a potential for people to overreact to that as well. A proportionate approach is going to be absolutely essential for all those that live in their homes to feel safe and actually to be safe.

Q36 **Mohammad Yasin:** Within the risk-based framework, how do you define an acceptable level of risk?

Sir Ken Knight: There is nothing such as absolute safety. Although I am delighted to see fire deaths come down to the lowest in my very long career in the fire service, we should not be complacent about that, even though the figures are right along the bottom. I do not know that I could set for you an acceptable level of risk here but people need to recognise the reality of that low level of risk. It does not mean they can be immune from taking the necessary steps to ensure that they are not at risk. That is why fire and rescue services, day in and day out, are fitting smoke alarms, are doing Safe and Well visits, have the trust to visit the elderly and infirm in their homes and give them advice, and will continue to do so. They know that the way to drive risk down from fire and fire death is to ensure that people do not have a fire in the first place.

Dame Judith Hackitt: I agree. I have already said that there is no absolute guarantee of safety in any building, irrespective of height. We have talked about bungalows and thatched cottages in the past. All of these things have a level of risk associated with them, and so there is never any absolute guarantee of safety. The reason that we are putting this work into proportionality is to lay the basis on which we know, and



which we are confident, that the new Building Safety Regulator will operate and will determine what that acceptable level of safety is.

Q37 Mary Robinson: This issue of fire risks is not confined to our shores. During your last appearance before the Committee, Dame Judith, you told us that you were advising the Government in Victoria, Australia, on their approach to building safety and remediation. What has their approach been on the buildings under 18 metres? Is there anything that we can learn from them?

Dame Judith Hackitt: First of all, let me be clear about the part of this that I am involved in. I am part of the expert panel that is advising the Government in Victoria on revisions to their building safety regulations. The process of remediation is being handled separately. I am aware of what is going on within that but that is not part of the work that I am involved in. I am involved in helping them to craft the new regulatory framework.

Are there things that we can learn from that? Yes, just as there are things that they believe they can learn from us, which is why they have asked me to be involved. I am very cognisant of the fact that I sit at that interface and that I am able to ensure that those lessons are learned.

I can give you one example of where they are in that space around regulation and the things that support the regulatory framework. There is a very interesting debate going on in Australia, and in Victoria in particular, around the issue of a different type of insurance package associated with buildings. They are looking at what is called project-based insurance. Rather than individual players within the process all having their own separate insurance, there will be a different means of project-based insurance. I am sharing that information with the people here in DLUHC so that they are aware of that thinking that is going on in Australia.

Q38 Mary Robinson: What effect would that project-based insurance have?

Dame Judith Hackitt: It would be an enhancement on what we see already here in this country in the form of the 10-year guarantee. In the Bill, we have the defective buildings—I forget the exact title—that has been extended to 15 years. The insurance regime in Australia would ensure that, in the event of a claim being made against the developers, it will go straight to the insurer to resolve as a first resort, and then it is down to the insurance market to resolve who among all of the people with PI cover and all the rest of it pick up their share of the bill. It is a means of providing faster resolution for the consumer, rather than them getting caught in this process where they have to wait for lots of people to say, “That was his fault, not mine”, and so on. It is a means of providing greater consumer protection.

Q39 Mary Robinson: Is DLUHC working with you to bring this forward? Where are we up to with it?



Dame Judith Hackitt: To be absolutely fair to them, they are in direct contact and they are communicating. We need to recognise that there is a will to share good practice around the world in this space. I am not the be all and end all of this, by any means, but I am ensuring that, where there are new developments, both sides are kept informed, so that they can then talk to one another and share information.

Q40 **Mary Robinson:** Should we be talking to any other countries about this? Is it just Australia that we are having these conversations with, or is there anyone else we should be talking to about good practice?

Dame Judith Hackitt: There is a very good network of communication around the world, but we have to recognise that there are differences as well as similarities. The US system, for example, is very much more based upon codes. We have known that for a very long time. There are some good elements of that that we can learn from, so that sharing of good practice has been renewed and reinvigorated as a result of experience, without doubt.

Q41 **Mary Robinson:** Is there anything that we can point to from MHCLG's point of view, looking at what they are doing now, that says that they have picked up some of the good practice from Australia and from Melbourne and are introducing it?

Dame Judith Hackitt: I have no doubt at all that that learning is taking place. Where we have to be a little careful is to recognise that the scale of the problem is different. We have already talked about the thousands of buildings that we already have that need to be looked at. Although, in terms of remediation, it is very easy to look at what is going on in Victoria, Australia, and ask, "Why can we not do the same?" the scale of the problem that they are dealing with in terms of numbers of buildings is an order of magnitude smaller than anything that we are dealing with here.

Q42 **Mary Robinson:** They immediately went through a risk-based inspection of all buildings, so they immediately took a slightly different view of it.

Dame Judith Hackitt: Yes, indeed.

Chair: We will now move on to EWS1 forms, which it is fair to say have caused some degree of concern.

Q43 **Florence Eshalomi:** Good afternoon to you both. Sir Ken, you alluded to some of this earlier in response to my colleague Ben Everitt in terms of the EWS1 forms not being required for buildings under 18 metres. Do you feel that this situation is now resolved? Are building owners, lenders and valuers now adopting a more sensible and appropriate approach? We see cases from leaseholders and residents up and down the country who are unable to move, to plan or to get movement on this, even though the guidance has changed.

Sir Ken Knight: I hope that that is the case. As I alluded to earlier on, the EWS1 is a product for use by property surveyors at the time of



conveyancing to give a valuation assessment of the property for the person buying it. In those early days of the EWS1, it meant that several occupiers in the same block of flats would have to pay for replicated EWS1s, because they all had different lenders and required separate EWS1s. It was also, in my view, being misapplied alongside the risk assessment that was going on, which was intended for fire safety. My view is still that I hope that surveyors, driven by lenders, will be able to recognise that they do not need to do EWS1s on every building in the way that has been done in the past.

Judith alluded to the fact that not only is there new guidance in the offing coming out through a British standard, which will be helpful, to a large measure, alongside other guidance from the Home Office, but we have already seen the enactment of the Fire Safety Act. It does not have a commencement date yet, but the enactment of the Fire Safety Act is important, because it includes the external wall assessment in a fire risk assessment of the building.

The effect of that is that that needs to be done once, not by every occupier. It is done by a responsible person and is available, therefore, to every resident to have. My hope is that that will quickly overtake the EWS1 assessment needed separately by each occupier and that it is on a more proportionate basis, because it is part of the overall building fire risk assessment.

My hope is the one that you have outlined: that we can draw back that risk aversion that has been brought about in part by the EWS1 and property valuation surveying report into one that allows us to not blight buildings in the future, which is what has happened.

Q44 Florence Eshalomi: Just on that point, Sir Ken, you highlighted that, in your view, it was misapplied and the risk assessments need to be reviewed, but you were chair of the expert advisory panel. My understanding is that it was that panel that then brought forward this guidance. Was a full impact assessment carried out prior to the original guidance being issued on what impact that had on leaseholders in blocks below 18 metres as part of your ongoing assessment?

Sir Ken Knight: Just to be clear, the advice that we issued was not about property valuation assessments. We have not advised on EWS1, which is purely a form that is produced by the Royal Institute of Chartered Surveyors and not by the Department's consolidated advice. We had had meetings with them, because we were concerned that the EWS1 had slavishly followed the consolidated advice, which was about a risk assessment by an appropriately qualified and competent person, and there was an initial review by RICS of that form.

We have never been part of the EWS1 advice, which was for very different purposes. It was for property valuation, not for life protection. As much as surveyors would survey and value a property being bought or sold—the example that Dame Judith chose was a thatched property, or



one that needs underpinning for the foundations—it is a surveyor’s report, not a life risk report. That is where the two have got confused.

Q45 **Florence Eshalomi:** On that confusion, you alluded to what could, effectively, replace EWS1 forms, which is the PAS 9980. In my understanding, that would come into effect when the Fire Safety Act is enacted.

Sir Ken Knight: No, not quite. I apologise. What will replace the EWS1 in the medium term is the fact that the external wall assessment needs to be appraised anyway as part of the fire risk assessment under the fire safety order. That is the new Fire Safety Act requirement. What I was referring to, and what Dame Judith has referred to, is that the new British standard, which is due out later this year, produces not the detail but a methodology of how to assess external walls. We hope that that, alongside other guidance, will, in terms, replace the consolidated advice.

The consolidated advice was never intended to be a legacy document forever. It was only intended to be for the period in which we found ourselves immediately after the Grenfell fire, having tested other methods, to bring to people’s attention that potential risk. It also includes other matters, such as fire doors and smoke extract systems, for example.

It is unsurprising that, as that advice can be more generic and a methodology approach through the British standard comes into place, that could be withdrawn when other guidance is produced. That is not, in itself, instead of doing an assessment. The assessment will still need to be done, but it will be done as part of the fire risk assessment under the Fire Safety Act.

Q46 **Florence Eshalomi:** When we get to a stage when that consolidated advice is finally removed, how do you think lenders will respond, bearing in mind that, for a number of my constituents, as well as residents up and down the country, they have already been told that they need an EWS1 form and remediation work is going on? Will those recommendations that they have, in some cases, already paid for now be void?

Sir Ken Knight: I cannot answer for the surveyors and lenders that are using EWS1 for that purpose, but it was not part of the work of the Department or issued by it. It is purely a lender’s form for them to do their property assessment as the valuation for lending, and that is where that issue has arisen. I regret if leaseholders are in that position, because, in some cases, surveyors have been overzealous on some occasions with the application of EWS1. It was not a matter for the expert panel and is one that will still require some relooking at in the light of the new advice that comes out and the Fire Safety Act overtaking the requirement for it.

Q47 **Florence Eshalomi:** “Overzealous” would be one way to describe it, but,



not to defend the lenders, they would say that they were working on the guidance from the expert panel and from Government on that. Is there anything that you wanted to add to that, Dame Judith?

Dame Judith Hackitt: Yes. We have already said it and I cannot emphasise this enough. When people say, "I was only operating according to the guidance", I agree with that up to a point. The point is, "But where did you exercise proportionality and judgment in this?" That is what, as professionals, they should be doing, and I absolutely agree with Ken that what we have seen, regrettably, in the last few months or years since Grenfell, has been people moving to a risk-averse approach, not having the courage or the confidence to stand by their professional judgment, and over-interpreting.

Q48 **Florence Eshalomi:** For many leaseholders who are trapped, who feel that there is no plan B for them and who have invested so much money, is there anything else that you feel the Government and the Department should be doing to help them? Despite the changes and the assurances from successive Ministers, they are still having trouble selling their flats.

Sir Ken Knight: I cannot give that comfort today, because that is not part of my decision making, but I listened with interest to the Secretary of State appearing before this Select Committee and I wait with interest to see the outcome of that in policy terms.

Dame Judith Hackitt: Yes, indeed.

Q49 **Florence Eshalomi:** Looking at the overall impact of the Government's approach to buildings under 18 metres, are there any new lessons that you, as expert advisers, believe that the Department should be looking at and issuing in terms of new guidance or, going forward, new policies, should we find ourselves in the same place a few years down the line? I think of the many developments in my Vauxhall constituency that are 18 metres and above. Is there anything that the Government and the Department should be looking at?

Dame Judith Hackitt: As I have already said, there is some important work taking place, which I am involved in to an extent, although I am not expert in the assessment of buildings, among a group of professionals, which is looking at exactly that point in terms of moving away from simply looking at walls or cladding and taking a step back to say, "Let us look at the building as a whole and determine whether there is need for any remediation or mitigation on this building to improve the level of risk". That is work in progress.

In fact, we have a meeting tomorrow that I will be attending, and it would, in due course, be well worth this Committee's looking more closely at the output of that work, because it will be really important that that starts to set some of those standards for what is proportionate.

Sir Ken Knight: In the case of new buildings, I would argue that the then Department, MHCLG, did take some fairly swift action in, for



example, banning external wall cladding combustibility down to a certain height by changing the regulations, with new regulation 7, and increasing the provision of sprinklers to above 11 metres as opposed to 30 metres. There have been, in new-build terms, quite significant changes in the requirements, but Dame Judith is right that the work going on in her work will be of interest. I know that the fire industry itself is working to find some of those solutions, because it is not in its interest to find those buildings that need remediation or the alternative technical solutions not getting it.

Q50 Chair: Is the meeting that is happening tomorrow the Building Risk Review?

Sir Ken Knight: No, it is not the same. The Building Risk Review was initiated by the Home Office, led by the National Fire Chiefs Council, to review every high-rise building in the country. That is being undertaken by fire and rescue services.

Dame Judith Hackitt: The piece of work that I am involved in is looking at the issue of specifically buildings in that 11-to-18-metre bracket, and is a working group that is set up to look at how we can develop a methodology that will enable a whole-system approach to looking at those buildings and determining a proportionate approach to remediation and mitigation on those buildings where it is deemed necessary and, equally importantly, looking at how many buildings need anything doing to them at all and how many there are where we can say, "This is okay". That will also form part of rebuilding that confidence—that the extent of the problem is properly quantified.

Q51 Chair: How far away are we from getting that quantification?

Dame Judith Hackitt: It is being pursued as a matter of urgency. We are bringing that work to a close. It will form part of getting to the right place in months, if not weeks. It is being done with a high degree of urgency.

Q52 Chair: With the survey of external walls and this more proportionate approach that has been recommended, are EWS1 forms going to be redundant within a short period of time, or should they be?

Sir Ken Knight: My view—and, I think, the view of RICS, from the conversation I had—is that they will not only be redundant but will be duplicating the external wall assessment caused by the fire safety order. It would not be sensible to put additional costs from the EWS1 on every leaseholder selling or buying, if there is a building external wall assessment as part of the new legislation.

Q53 Chair: Moving on to something completely different, which is evacuation plans, the Government have come to the view that personal emergency evacuation plans should be required only for residents in buildings over 18 metres where they self-identify as requiring one. Is that the right position to adopt?



Dame Judith Hackitt: This is certainly not an area that I have been closely involved in. It is an area where the Home Office leads. We have to arrive at a proportionate approach and recognise that, in many cases, what we are trying to achieve with those buildings is that they are safe for people to stay put. In extremis, if there is a need for evacuation, it is absolutely right and proper that we have suitable plans in place, but the detail of it is not something that I have been involved in.

Sir Ken Knight: In answer to your question, I do not think it is sensible to only consider those buildings over 18 metres for those with impaired mobility in. In fairness, as if I should be fair to the Home Office, they lifted that directly in their consultation from the requirements of phase 1 of the Grenfell inquiry, which, in its recommendations, required consideration of just that: impaired mobility arrangements, or PEEPs, for buildings over 18 metres. It is not sensible to only consider that in the round outside the fine definitions that the inquiry is looking at, which is buildings over 18 metres.

Chair: It is something that may need revisiting. That is helpful. We now move on to non-cladding issues, which we must not forget about.

Q54 **Andrew Lewer:** In evidence to our Committee in October 2020, Dame Judith, you mentioned the ongoing work of the fire protection board and other organisations that have created a wealth of knowledge on non-cladding building safety defects. As expert advisers to the Government, do you now have a clear picture of the scale of all of the fire safety and other defects that require attention?

Dame Judith Hackitt: Do I personally?

Q55 **Andrew Lewer:** Did the board produce a good enough assessment of that?

Dame Judith Hackitt: No, because that will come, for those buildings that are in scope, only when we have the safety case regime in place that looks at those buildings holistically. Are we in a better place now than we were before? Yes, indeed we are. As we were describing earlier, the work that has taken place already is a very good basis from which to now move on to the safety case approach and prioritisation of existing buildings that need to come under that regime as we phase in the work after the Building Safety Bill comes into force.

Sir Ken Knight: I agree with that.

Q56 **Andrew Lewer:** That fits in nicely, because the Government asked the National Fire Chiefs Council and its fire protection board to look at protection and building safety issues as part of its Building Risk Review programme. We note that phase 1 of that review has been completed, so will the review provide a more complete picture on the extent of non-cladding fire safety defects—for example, as comes up a lot, breaches of compartmentation during refurbishment works?



Sir Ken Knight: My understanding is yes. It is a review, sometimes a physical inspection. It has been, as I understand, a very large task, not least because something like 70% of those buildings are in London, so it has resource implications for London Fire Brigade. My understanding is that, when they have cleansed all the data—sometimes there was double-counting or buildings out of scope—that review is on schedule to be completed for the Home Office by the end of this year.

Q57 **Andrew Lewer:** Should the scope of the Building Risk Review be extended to cover buildings below 18 metres or to cover any other matters that are not currently within scope?

Sir Ken Knight: I do not know that there are plans to do so. It is not an area that I am involved in. NFCC and, indeed, the Home Office will be the people to do that, bearing in mind that that probably increases the 12,000 to around another 80,000 buildings. That is a significant increase in time and resources to undertake that work.

Dame Judith Hackitt: What I hope we all appreciate is that what we are seeing here is a shift in approach to all buildings. That is what we have to have. We have talked previously and, Chair, you will remember us debating a two-tier system being developed, which we all want to avoid. What we are now talking about is ensuring a similar but proportionate approach to buildings of all heights.

There is a huge amount of working going on in DLUHC on all of these, and we need to ensure that each of these things fit together, that we have a level of consistency of approach throughout all of those things and that that level of diligence and risk management increases in proportion to the risk.

Q58 **Andrew Lewer:** I am glad that you concluded with that, because I was concerned that, particularly with compartmentation, there may be some failings here and there, but it is a question of what risk that generates and the cost, relative to correcting it. If you spend money on that, you then do not have money for chemotherapy treatment or something else.

Dame Judith Hackitt: Yes.

Sir Ken Knight: It is pleasing to know that there is intended to be, alongside the commencement of the Fire Safety Act, a risk prioritisation tool that will be published. No one would expect that every building suddenly falling into scope for external wall assessment can be done on day one. That, in itself, will require, therefore, a re-inspection regime, including those parts that you talk about. It is disproportionate to expect every building to be inspected immediately or, indeed, to meet that new expectation of the order.

Q59 **Mary Robinson:** We have previously discussed insurance and the importance of it. In your evidence to us back in October 2020, Dame Judith, you explained that you saw many of the issues relating to professional indemnity insurance for existing building safety roles and



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those under the new regime as connected, with a lack of clarity around roles and responsibilities of duty-holders under the Building Safety Bill. Has the work that the Department has undertaken to date been enough to allay the concerns of insurers on this?

Dame Judith Hackitt: You would have to ask the insurers that. Do I believe that enough has been done? A good deal of work has been done. If we need to do more, that will come with the Bill and also with a greater take-up of training and an increase in demonstrated competence among people. What we laid out was a huge amount of work to be done. What we know is that we have made a great deal of progress in terms of defining all of those competence standards.

Do we yet have enough people in all of those different domains who require professional indemnity insurance to be able to say that we have enough people who are at the right level of competence? I suspect not, because we have not yet done enough of that training, but we are on a journey and we are getting there.

Q60 **Mary Robinson:** Part of the issue, it seems, is that the blame culture has allowed people within different competencies to say, "It is not my job. It is somebody else's".

Dame Judith Hackitt: Indeed.

Mary Robinson: How are we going to get over that grey area, even within the competencies, and the way that you are structuring it? In other words, will there be grey areas where, "It is not really my role or responsibility"? Is it going to be clearly divided?

Dame Judith Hackitt: First and foremost, the Bill will clearly set out who the responsible person is at every stage in the process. What that will then result in is a cascading down of responsibilities from that responsible person, who will make sure that those people who do the work understand what their roles and responsibilities are. It will come with time, but it is also about that change of culture that we are looking for from the industry. It has to move away from this adversarial approach.

That goes right back to the things that we have already talked about in relation to procurement. It goes back to ensuring that buildings are not commissioned in the first place simply on the basis of price and the job going to the lowest bidder. The minute you do that, you have already set up a climate for people to try to cut corners, which is then absolutely going to result in people saying, "That is somebody else's problem, not mine". That change of culture lies at the heart of this.

Q61 **Mary Robinson:** Is there buy-in for that change of culture?

Dame Judith Hackitt: I go back to where I started. We have seen it in some places. The responsible people out there know what they need to do and are well on that journey, but we need much clearer signals from



Government that that behaviour is going to be not just expected but required.

Q62 **Mary Robinson:** What is the mood music from insurers? Are they speaking very positively about these changes?

Dame Judith Hackitt: What we hear from insurers is a combination of things. We have to be clear that, if we expect things to go back to how they were in terms of insurance premiums and so on, that is not going to happen. What we have seen is a reaction in this sector, at the same time as the market, as a whole, has hardened across all sectors. To the extent that they are seeing changes taking place in construction that they can be reassured by, we are making significant progress.

Q63 **Chair:** Although there are some who may be unwilling to change or who may resist change, others may be unable to change because they simply cannot acquire people with the sufficient skill and competence to do the work. Fire engineers are an issue that you gave evidence on at the Building Safety Bill evidence sessions, Sir Ken. What has been done to try to increase the number of people with relevant skills, so that they can deliver on the many challenges that they are going to face in the next few years?

Sir Ken Knight: There is a huge challenge still there. Chartered fire engineering is a relatively new discipline and we are now finding that many players are fishing in the same pool for those chartered engineers. They are being sought after by fire and rescue services to do enforcement, by the Building Safety Regulator to do their new role, by local authorities, and of course, in commerce, by the construction industries. It is not just about being chartered, by the way, but it is about competence. We need to think very carefully about future competence.

You are quite right, Chair, that I said at the Bill Committee that we need to have a longer-term strategy around how we encourage graduates into that area for the future, so that we have future graduates coming into the area of engineering, including fire, and around how structural engineers can be added on to be fire engineers. There are innovative ways to make sure that we have the competencies that we will be seeking when the Building Safety Regulator comes into place. There is a huge piece of work to be done across education and with the relevant Departments to think about how we maintain that competence in the light of what appears to be an apparent shortage. One of the reasons why some of the remediation is taking such a long time is the absence of sufficient capacity.

Q64 **Chair:** It is not just the fire engineers. We have talked before about building safety managers, which is a new role completely. Are there enough people to train the people who need to be trained at present in the industry?

Sir Ken Knight: That is a question that I was asking around how we encourage those leaving full-time education through to graduating from



university to think about this discipline as an incredibly important one for the future, alongside structural engineering, so that there is sufficient capacity in the system to cope with the requirements.

Q65 Chair: Are building safety managers going to become a new discipline in itself with particularly skills attached to it?

Dame Judith Hackitt: It is not a discipline in itself. It is a role that people with certain competencies can fill. In all of this, Ken is absolutely right that these people can move between roles and different places, whether advising the regulator or the fire and rescue service, or being involved in facilities management as part of building safety management. The competencies and the knowledge that those people are going to require will be similar, but they will be applying it in different ways, depending upon whether they are acting as a regulator, an adviser or a duty-holder.

Sir Ken Knight: It is really important that the enforcing authorities have the people of sufficient competency that is at least equal to, if not greater than, the people whose work they are auditing. It is important to upskill so that the competencies of those who are giving assurance that the safety measures are being met are not just equivalent to but in excess of those who are presenting their safety case to them.

Chair: Yes, to watch particularly those who are trying to get around and avoid them. That is a really good point. We will finish on an issue that was really highlighted by Dame Judith's initial report, which is the whole question of the culture of the industry and how it needs to change.

Q66 Ian Byrne: Dame Judith, you previously told the Committee that there were some members of the construction industry who were "waiting to see", rather than taking action, on issues of competence and culture. As chair of the Industry Safety Steering Group, what are you doing to encourage the sector to take action to address the issues you identified in your report?

Dame Judith Hackitt: As I said, we have submitted our third annual report to Government. What we are clear on in there is that progress continues. We have seen some really good and strengthened initiatives from some parts of the industry. The Building a Safer Future Charter, which has now been fully launched by the Considerate Constructors Scheme, is a major step in the right direction, because it has been modelled on similar assurance schemes that exist in other sectors. They have transferred in some of that knowledge that we advised them to do in terms of ways that other sectors bring that level of responsibility and commitment to a different culture. That is really good.

We have also seen the industry make a step forward with the work that it is doing around construction product information, which will also be administered by the Considerate Constructors Scheme. They have given it to an independent body to do on their behalf, which is good.



I would also commend the work of the Construction Leadership Council, which has stepped up and really put building safety high on their list of priorities. That is also good to see, not least because that will help to see good practice transferred into the domestic built environment sector from other parts of construction where standards, historically and currently, have continued and continue to be higher. There is lots of good stuff going on.

The main finding in the report that we have submitted is one of this varied rate of progress, where the responsible people are stepping up and getting on with this. The big need is around an intervention from Government that will encourage—and if not encourage, mandate—or create the right incentives for those who are waiting to see or even hoping that this will go away to step up and get on with it. That is what is needed.

Q67 Ian Byrne: I would raise a couple of points. You mentioned procurement, which could be a hugely important tool in encouraging a change in culture. Homes England gave evidence a couple of weeks back and we mentioned the opportunity for procurement to them. What about the role of trade unions in a change in culture, with trade unions encouraging safety on sites and playing a part in this conversation? We do not really hear the trade unions being talked about as an element in the potential for a change in culture.

Dame Judith Hackitt: Thank you for mentioning Homes England, which is also specifically mentioned in the ISSG's report as being a very good example of where, if you get this right and you get all of the elements joining up and doing the right thing, it drives the right behaviour among others. Homes England has quite clearly set out its expectation that people who bid for work with it will be signatories to the Building a Safer Future Charter. We need much more of that from other publicly funded projects.

Q68 Ian Byrne: Could construction trade unions play a role as well?

Dame Judith Hackitt: Yes, indeed.

Sir Ken Knight: I wholly respect the work that Judith has led on this. My sense is that the big beasts in construction have probably got it and are working hard. Indeed, the early adopters have been superb in some of this work. If I had any unevidenced concern, it would be the SMEs that are coming in to do modifications or changes to buildings. This has to permeate across the whole of the building industry, and that is why it is important that we recognise that the Building Safety Regulator is responsible not only for those buildings initially in scope but for all buildings. This culture change needs to be across the whole of the building industry, not just the big beasts that are building big buildings.

Dame Judith Hackitt: In that respect, if I can add, we need to be clear that, in some cases, that lack of progress will be because they need help



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and, in others, because they need a shove. We need to apply the right tool to the right people.

Q69 **Mary Robinson:** My question is a very simple one relating to that shove. What would the right incentives look like?

Dame Judith Hackitt: Again, I am a firm believer in carrot and stick. You need to recognise those who are doing the right thing and to make clear to those who are not, first, where to go for help, if that is the problem, and, secondly, that it is not acceptable to sit on the fence or try to pretend that this is not coming. This change is coming. I genuinely believe that there is an important role for Government to play in doing that, because of the huge amount of funding for building that flows through either central or local government.

Chair: We could probably all very much agree with that very positive point about what can and should be done. Thank you both very much indeed for coming in this afternoon and giving your really expert advice and updates about what is happening and what needs to happen in the future. Thank you both very much indeed.